REMARKS

Applicants respectfully request reconsideration and allowance of the subject application.

The Examiner has made a requirement for restriction between the following groups:

GROUP I: Claims 1-11, 16-20 and 35-42, drawn to a method of managing access to resources by determining accessibility status, classified in class 713, subclass 248;

GROUP II: Claims 12-15, 21-25 and 30-34, drawn to a method of generating an application identifier, classified in class 705, subclass 59.

In order to comply with the Examiner's restriction requirement, Applicants provisionally elect to prosecute **Group I**, directed to claims 1-11, 16-20 and 35-42, for prosecution in the present application. Applicants reserve the right to file a divisional application(s) directed to the non-elected claims at a later date, if so desired.

The Examiner's requirement for restriction is respectfully traversed for the reasons set forth below.

Applicants respectfully submit that the Examiner has failed to meet the required burden of showing that the groups of claims are independent and distinct,

as required by law. 35 U.S.C. § 121 specifically states that the Commissioner may require the application to be restricted if it contains two or more "independent and distinct" inventions claimed in one application. 37 C.F.R. §§ 1.141 and 1.142 further repeat the language that the two or more inventions must be "independent and distinct".

M.P.E.P. § 802.01 provides specific definitions of the meaning of the terms "independent" and "distinct". M.P.E.P. § 802.01 states that the terms "independent" and "distinct" do not mean the same thing, but in fact have very different meanings. The term "independent", as set forth in M.P.E.P. § 802.01, means that "there is no disclosed relationship between the two or more subjects disclosed, that is, they are unconnected in design, operation, or effect". The term "distinct" means that "two or more subjects as disclosed are related, for example, as combination and part (sub-combination) thereof, ... and are patentable over each other".

The Examiner has set forth that inventions are "distinct" from one another by arguing the inventions of **Groups I-II** are related as combination and sub-combination, and the combination as claimed does not require the particulars of the sub-combination and the sub-combination has utility by itself. However, no other reason why the inventions are unrelated, or are incapable of use together, has been set forth. Thus, the Examiner has not met the required burden of proving that the groupings are "independent" as required by the United States Code, the Code of Federal Regulations, and the Manual of Patent Examining Procedure.

Applicants respectfully submit that any policy set forth in the M.P.E.P. that conflicts with the requirements for both independence and distinctness is superseded by the directives of the United States Code and the Code of Federal Regulations, which specifically require both independence and distinctness between properly restrictable groupings. Accordingly, Applicants respectfully submit that the requirement for restriction is improper, and respectfully request that the requirement for restriction be withdrawn.

In addition to the above, M.P.E.P. § 808.01 states that inventions are independent "where they are not connected in design, operation, or effect under the disclosure of the particular application under consideration" and that "[t]his situation, except for species, is but rarely present, since persons will seldom file an application containing disclosures of independent things." (Emphasis added.) M.P.E.P. § 806.04 cites the intended meaning of independent inventions by citing specific examples of independence, stating "[a]n article of apparel such as a shoe, and a locomotive bearing would be an example. A process of painting a house and a process of boring a well would be a second example." Further, M.P.E.P. § 806.04 states that "[w]here the two inventions are process and apparatus, and the apparatus cannot be used to practice the process or any part thereof, they are independent." The Examiner has not provided any reason why the current claimed inventions are unrelated, or are incapable of use together.

Applicants respectfully submit that the inventions of the instant application are connected in design, operation, or effect. Therefore, Applicants respectfully

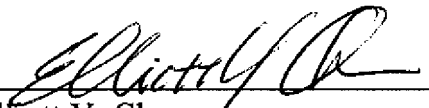
submit that the instant application is not properly restrictable, since the Examiner has not shown that the inventions are "independent" as required by the U.S. Statute.

In view of the above remarks, reconsideration of the requirement for restriction and an action on all of the claims in the application are respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Elliott Y. Chen, Registration No. 58,293, at (206) 315-7914, in Seattle, Washington.

Respectfully Submitted,

Dated: 2-8-07

By: 

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